

## REMARKS

This communication is in response to the non-final Office Action issued May 21, 2008, in which the Examiner:

- rejected claims 1-8, 12, 15, 16, 20, 22, 36-41, and 44-51 under 35 U.S.C. § 102 in view of one or more of Japanese patent publication nos. JP 10295565 ("Masahiro") and JP 8187191 ("Naoto"), and
- rejected claims 9-11, 13, 14, 17-19, 21, 23-35, 42, and 43 under 35 U.S.C. § 103 in view of various combinations of Masahiro, Naoto, and U.S. Patent Nos. 4,565,631 to Bitzer *et al.* ("Bitzer") or 4,604,203 to Kyle ("Kyle").

Claims 1-51 are pending. By this amendment claims 4, 6-8, 10-44, 46, and 48-51 have been amended, claims 52 and 53 have been added, and claims 1-3, 5, 9, 45 and 47 have been canceled. Claim 4 finds support in original claims 4, 5, and 9. Claim 6 has been amended so as to depend from claim 4. Claims 44, 46, and 48 have been amended so as to be consistent with preceding claims. New claim 52 finds support in original claim 1. New claim 53 finds support in the description as originally filed, particularly see Fig. 9 and the accompanying description.

### Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-3 and 44-45 under 35 U.S.C. § 102(b) as being anticipated by Masahiro or Naoto. Claims 1-3 and 45 have been canceled above. Furthermore, claim 44 has been amended to dependent from claim 15. It is therefore respectfully submitted that these rejections are rendered moot.

The Examiner rejected claims 4-8, 12, 15-16, 20, 22, 36-41, and 46-51 as being anticipated by Masahiro. By this amendment, claim 4 includes the feature of previous claim 9,

namely that the cup comprises at least one annular cup means. Masahiro does not disclose, teach, hint, or suggest such a feature. This is no doubt why the Examiner did not object to the novelty of previous claim 9. Accordingly, it is submitted that independent claim 4 is novel over Masahiro. Furthermore, at least since all other claims ultimately dependent from independent claim 4, it is submitted that claims 5-8, 12, 15, 16, 20, 22, 36-41, and 46-51 are also novel over the cited references, and in particular Masahiro. It is therefore respectfully requested that the Examiner withdraw the rejection of these claims.

The Examiner rejected claims 4-8, 12, 15-16, 20, 22, 36-37, 39-41, and 46-51 as anticipated by Naoto. It is respectfully submitted these rejections are rendered moot for at least the reasons discussed above. It is therefore requested that the Examiner should withdraw these claim rejections.

In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 102 of the claims are believed to be overcome.

#### Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 9-11, 14, 17-18, 23-35, and 42-43 under 35 U.S.C. § 103(a) as being unpatentable over Masahiro modified by Bitzer. Claim 9 has been canceled, and claim 4 has been amended to include the feature of previous claim 9, namely that the cup comprises at least one annular cup means. It is respectfully submitted that neither Masahiro or Naoto, whether taken alone or in combination with Bitzer, teach, hint, or suggest the inventive cooking oil and/or fat filter apparatus according to amended claim 4. To suggest otherwise would be for the Examiner to embark upon an unallowable hindsight analysis of the invention with foreknowledge of the inventive concept.

In terms of the problem-solution approach, if the skilled person were to start from Masahiro or Naoto, seeking to improve upon the cooking oil filters thereof, the skilled person would not consider Bitzer. This is because Bitzer relates to a different technical field, namely, to a self-cleaning filter for a conduit system serving for the circulation of a liquid, especially cooling water from a condenser stage of an industrial power plant. Thus, Bitzer is not analogous to Masahiro/Naoto. Even if the skilled person were to consider Bitzer, the skilled person would not find the inventive solution of claim 4.

In view of the above, it is respectfully submitted that amended claim 4 is patentably distinct from the cited references. Furthermore, in view of the above, it is respectfully submitted that the rejections of claims 9-11, 14, 17-18, 23-25, 42 and 43 are rendered moot.

The Examiner rejected claims 13 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Masahiro modified by Kyle. It is respectfully submitted that this rejection is rendered moot at least in view of the dependency of claims 13 and 19 from allowable independent claim 4.

The Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Masahiro or Naoto. It is submitted that this rejection is rendered moot at least in view of the allowability of claim 21 in view of its dependency from allowable independent claim 4.

In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 103 of the claims are believed to be overcome.

#### Additional Fees

The Commissioner is hereby authorized to charge any insufficiency, including a \$1110 three-month extension fee, or credit any overpayment associated with this application to Bingham McCutchen LLP Deposit Account No. 50-4047 (order no. 7050392001).

Conclusion

In view of the foregoing, all of the Examiner's rejections of the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further communication would help prosecution, the Applicant requests the Examiner to call the undersigned at the telephone number provided below.

Respectfully Submitted,



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